THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.1300 OF 2006

Dt.25.1.2006

Between:

M.Sarojamma … Petitioner

And

The Joint Collector, Chittoor,

Chittoor District and 2 others. … Respondents

ORDER:

The petitioner questions the action of the first respondent in not granting interim relief pending appeal on his file against the proceedings in Roc.A3/5157/05, dt.7.1.2006 of the 2nd respondent and consequently suspend the operation of the proceedings dt.7.1.2006 of the 2nd respondent.

The petitioner was appointed as temporary dealer by the Mandal Revenue Officer, Rompicherla Mandal, Chittoor District, vide proceedings dated 23.1.2005. It is stated that her husband Venkatarami Reddy was a fair price shop dealer and he was expired on 18.1.2005 and the petitioner being his wife was having the requisite experience in dealing with the dealership and also having capacity to run the fair price shop and therefore she was appointed as temporary dealer of Mekalavaripallik of Rompicherla Mandal by the Mandal Revenue Officer. While so, a notification has been issued by the 2nd respondent calling for applications from the eligible S.C candidates in respect of the said fair price shop. As against the said notification

dt.7.1.2006, the petitioner filed an appeal before the Joint Collector, Chittoor on 19.1.2006 and a request was also made in the said appeal to grant stay of the orders of the 2nd respondent dated 7.1.2006, but no stay was granted by the first respondent. Therefore, the petitioner questions the order of the said notification calling for applications from the eligible S.C. candidates.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

I am of the opinion that no legal right of the petitioner has been infringed in calling for applications from the eligible S.C. candidates. The only ground available to anybody to question the said notification is that the rule of reservation is not followed. It is not the case of the petitioner that rule of reservation is not followed. It is the case of the petitioner that her husband was a permanent dealer and after conducting enquiry she was appointed as a temporary dealer. The learned counsel for the petitioner contends that she has right to continue as permanent dealer due to the death of her husband. I am unable to accept the said contention. Admittedly, the competent authority to appoint a fair price shop dealer is only the Revenue Divisional Officer. The petitioner was appointed as a temporary dealer by the Mandal Revenue Officer. Therefore, the petitioner has no vested right to continue the dealership in her favour on permanent basis pursuant to the death of her husband. Therefore, I do not see any merit in this writ petition.

The writ petition is accordingly dismissed. No costs.

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(V.ESWARAIAH, J.)

25.1.2006

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